



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,178	10/14/2004	Michael Weiler	081276-1032-00	1993
34044 7590 04/03/2007 MICHAEL BEST & FRIEDRICH LLP 100 EAST WISCONSIN AVENUE MILWAUKEE, WI 53202			EXAMINER GRAHAM, GARY K	
			ART UNIT 1744	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/03/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

4

Office Action Summary	Application No. 10/511,178	Applicant(s) WEILER ET AL.	
	Examiner Gary K. Graham	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-9,11-13 and 18-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-9,11-13 and 18-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3, 6-9, 11-13 and 18-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no support and it does not appear accurate to define that the fastening part completely encloses the reinforcing element from the outside. The fastening part and reinforcing element are not defined in the specification as such. Further, as shown in the drawings, the reinforcing element is never completely enclosed on the outside. Referring to figures 5, 6e, 7c and 8e, it can be seen that the reinforcing element is never completely enclosed on the outside. In other words, there is always some part of the reinforcing element that is exposed and not covered by the fastening part.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-9, 12, 13, 18, 19 and 21-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Brummer et al (German patent 3029212).

The patent to Brummer discloses a wiper device with at least one wiper arm (10). The arm includes a fastening part (12, fig.2) attached to a conical end area (40) of a shaft (14). The fastening part is provided with an opening (20), which is at least partially polygonal (36), therethrough which receives a symmetrical (about numerous diameters) and complementary shaped reinforcing insert element (22) with a polygonal outer contour (28). The reinforcing element is enclosed by the fastening part on the outside, at least as far as understood, and is the sole part between the fastening part and the shaft.

With respect to claims 2, 27 and 29, numerous appropriate diameters can be selected to which the reinforcing element is symmetrical.

With respect to claim 9, it appears the reinforcing element of Brummer can be axially caulked. Nothing would prohibit such.

With respect to claim 23, the hexagonal portion (28) of the reinforcing element is a protuberance that prevents the element from sliding down and out of the fastening part.

Art Unit: 1744

Claims 1, 2, 3, 5, 7-13, 16, 17, 19, 20, 21, 22, 23, 25-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Couch et al (GB patent 2,338,772).

The patent to Couch discloses the invention as is claimed (fig. 3), including a wiper arm having a fastening part (1) attachable to an end area of a shaft. The fastening part has a symmetrical (at at least one diameter) reinforcing element (5) therein, which is tightly enclosed, at least as far as understood, by the fastening part from the outside. The reinforcing element has a conical aperture and is attachable to a shaft end area which is conical. The reinforcing element is the sole part between the fastening part and the shaft.

With respect to claim 9, it appears the reinforcing element of Couch can be axially caulked. Nothing would prohibit such.

With respect to claims 11 and 20, Couch discloses that the insert member can be shaped from metal.

With respect to claims 27 and 29, as there is at least one diameter about which the reinforcing element is symmetrical, such meets the limitation of symmetrical on "any" diameter.

Note that any does not mean all or every possible.

Art Unit: 1744

Claims 1-3, 6, 8, 9, 13, 18, 21, 25, 27, 28, 29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Terpin (US patent 2,885,230).

The patent to Terpin discloses the invention as is claimed (figs. 4,6), including a wiper arm (13) having a fastening part (16) attachable to an end area (24) of a shaft (25). The fastening part has a symmetrical (on numerous diameters), polygonal reinforcing element (22) therein, which is tightly enclosed by the fastening part from the outside, at least when assembled. The reinforcing element has a conical inner surface and a polygonal outer surface, and is attachable to a shaft end area which is conical.

With respect to claim 9, it appears the reinforcing element of Terpin can be axially caulked. Nothing would prohibit such.

Response to Arguments

Applicant's arguments filed 16 January 2007 have been fully considered but they are not persuasive. Applicant argues that claim 1 has been amended to incorporate the limitations of original claims 5 and 10 and to define that the fastening element completely encloses the reinforcing element from the outside. Applicant argues that such features are not taught by the cited references. Such is not persuasive. As set forth above, it does not appear that applicant's reinforcing element is completely enclosed and further, the applied references show the reinforcing element as enclosed, at least as far as understood. In particular, both the Brummer and Couch fastening part (12, 1, respectively) enclosed the reinforcing element (22, 5, respectively) just as Applicant's. It is not clear why such reinforcing elements are not considered enclosed as it matches the figures 6e and 8e embodiments of Applicant.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

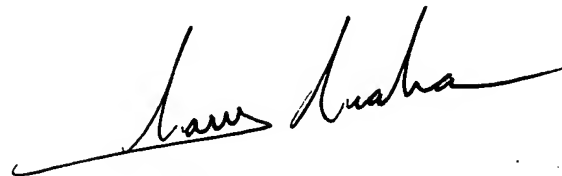
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

Art Unit: 1744

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys J. Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Gary K. Graham", written over a horizontal line.

Gary K Graham
Primary Examiner
Art Unit 1744